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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 OAKLAND BRANCH

14 UNITED STATES OF AMERICA, ) No. MJ 12-71312 MAG  
15 Plaintiff, )  
16 v. ) STIPULATION AND [PROPOSED]  
17 JOHN LEE COBB, ) ORDER TO SET PRELIMINARY  
18 Defendant. ) HEARING OR ARRAIGNMENT  
19 \_\_\_\_\_ ) ON FEBRUARY 4, 2013

20 The above-captioned matter was previously set on January 4, 2013 before  
21 Magistrate Judge Kandis A. Westmore for a preliminary hearing or arraignment. The  
22 parties request that this Court set this matter for a preliminary hearing or arraignment on  
23 February 4, 2013 at 9:30 a.m., and that the Court exclude time under the Speedy Trial Act  
24 between January 2, 2013 and February 4, 2013. The parties stipulate that the time is  
25 excludable from the time limitations of the Speedy Trial Act because the interests of  
26 justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and  
27 (B)(iv).

28 STIPULATION AND EXCLUSION OF TIME  
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Such continuance is required because the government will be producing discovery, and defense counsel needs time to review the discovery and, in addition, research legal and factual issues. This continuance will allow the reasonable time necessary for effective preparation taking into account the exercise of due diligence.

5 As such, the parties respectfully request that the time between January 2, 2013 and  
6 February 4, 2013 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

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**8** || DATED: January 2, 2013 Respectfully submitted,

**9** MELINDA HAAG  
United States Attorney

10 \_\_\_\_\_/s/  
11 RODNEY C. VILLAZOR  
Assistant United States Attorney

12  
13 /s/  
JOYCE LEAVITT  
Attorney for John Lee Cobb

15 || ORDER

16       Based on the reason provided in the stipulation of the parties above, the Court  
17 hereby FINDS that for adequate preparation of the case by all parties, and in the interest  
18 of justice, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), an exclusion of time is  
19 warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY  
20 ORDERED THAT the hearing is continued until February 4, 2013 at 9:30 a.m. before the  
21 Magistrate Court, and time is excluded until February 4, 2013.

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23 | IT IS SO ORDERED.

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**STIPULATION AND EXCLUSION OF TIME  
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Kandis Westmore  
KANDIS A. WESTMORE  
United States Magistrate Judge